

08-24-06


HW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/801,623	
	Filing Date	March 15, 2004	
	First Named Inventor	Chong-Sheng YUAN	
	Art Unit	1651	
	Examiner Name	S. Fernandez	
Total Number of Pages in This Submission	7	Attorney Docket Number	466992001400

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a/b Form (2 pages plus duplicate) References (26) Return Receipt Postcard
Remarks <div style="text-align: center;">CUSTOMER NO. 25225</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peng Chen		
Date	August 22, 2006	Reg. No.	43,543

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814073486 US, in an envelope addressed to: MS Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 22, 2006

Signature:  (Lenay Rogus)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814073486 US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 22, 2006

Signature: Lenny Rogus

(Lenny Rogus)

Patent

Docket No. 466992001400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chong-Sheng YUAN et al.

Serial No.: 10/801,623

Filing Date: March 15, 2004

For: METHODS AND COMPOSITIONS FOR
ASSAYING HOMOCYSTEINE

Examiner: S. Fernandez

Group Art Unit: 1651

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The documents set forth on the enclosed Form PTO/SB/08a/b have not been submitted or cited in the present application. It is understood that the Office is under no obligation to consider these documents at this time; however, to complete the record they are submitted. Copies of the non-patent literature documents are enclosed.

While applicants believe that the documents are in no way destructive of patentability of the allowed claims, in the interest of completeness, they are submitted herewith. Document number 1 is an Office Action from US Patent Application Serial No. 11/394,457, which is a Continuation of the present application. Document number 2 was cited in that Office Action. Document numbers 3- 26 are from *General Atomics, Diazyme Laboratories Division vs. Axis-Shield ASA*, currently

pending in the United States District Court for the Northern District of California, San Francisco Division, Case No. 3:05-cv-4074 SI.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 466992001400.

Dated: August 22, 2006

Respectfully submitted,

By 

Peng Chen

Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 720-5117



ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/1 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/801,623
				Filing Date	March 15, 2004
				First Named Inventor	Chong-Sheng YUAN
				Art Unit	1651
				Examiner Name	S. Fernandez
Sheet	1	of	2	Attorney Docket Number	466992001400

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1.	Office Action dated June 26, 2006 from US Patent Application Serial No. 11/394,457, filed by Yuan et al. on March 31, 2006	
	2.	DONNELLY and PRONOVOST, Ann. Clin. Biochem. (2000) 37:194-198	
	3.	General Atomics and Carolina Liquid Chemistries' Opposition to Axis-Shield's Motion to Shorten Time to Hear Motion to Amend Preliminary Infringement Contentions, filed July 6, 2006	
	4.	Declaration of Anders T. Aannestad in Support of General Atomics and Carolina Liquid Chemistries' Opposition to Axis-Shield's Motion to Shorten Time to Hear Motion to Amend Preliminary Infringement Contentions, filed July 6, 2006	
	5.	Order Granting Plaintiff's Motion For Summary Judgment, filed July 19, 2006	
	6.	General Atomics and Carolina Liquid Chemistries' Opposition To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed July 21, 2006	
	7.	Declaration of Anders T. Aannestad in Support of General Atomics and Carolina Liquid Chemistries' Opposition To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed July 21, 2006	
	8.	Deposition of Ronald Borchardt, Ph.D., taken July 25, 2006	
	9.	Axis-Shield's Reply Memorandum in Support of its Motion To Amend Preliminary Infringement Contentions, filed July 26, 2006	
	10.	Supplemental Declaration of Timothy P. Walker in Support of Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed July 26, 2006	
	11.	Deposition of Ralph Green, M.D., Ph.D., taken August 1, 2006	
	12.	General Atomics and Carolina Liquid Chemistries' Request For Leave To File Surreply In Opposition To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed August 1, 2006	
	13.	Declaration of Anders T. Aannestad in Support of General Atomics and Carolina Liquid	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

sd-331039

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/801,623
				Filing Date	March 15, 2004
				First Named Inventor	Chong-Sheng YUAN
				Art Unit	1651
				Examiner Name	S. Fernandez
Sheet	2	of	2	Attorney Docket Number	466992001400

		Chemistries' Request For Leave To File Surreply In Opposition To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed August 1, 2006	
	14.	Axis-Shield's Memorandum In Opposition To General Atomics' Request For Leave To File Surreply, filed August 2, 2006	
	15.	Order Granting Request For Leave To File Surreply In Opposition To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed August 4, 2006	
	16.	Axis-Shield's Opening Claim Construction Brief, filed August 7, 2006	
	17.	[Proposed] Order Construing Claims, filed August 7, 2006	
	18.	Declaration of Ralph Green In Support Of Axis-Shield's Proposed Claim Constructions, filed August 7, 2006	
	19.	Declaration of Timothy P. Walker In Support Of Axis-Shield's Proposed Claim Constructions, filed August 7, 2006	
	20.	General Atomics and Carolina Liquid Chemistries' Surreply To Axis-Shield's Motion To Amend Preliminary Infringement Contentions, filed August 8, 2006	
	21.	Order Granting Defendant's Motion To Amend Preliminary Infringement Contentions, filed August 9, 2006	
	22.	Court Docket from PACER for General Atomics v. Axis-Shield, United States District Court for the Northern District of California, docket accessed August 15, 2006	
	23.	General Atomics and Carolina Liquid Chemistries' Responsive Claim Construction Brief, filed August 21, 2006	
	24.	Declaration of Ronald T. Borchardt in Support of General Atomics and Carolina Liquid Chemistries' Responsive Claim Construction Brief, filed August 21, 2006	
	25.	Declaration of Anders T. Aannestad in Support of General Atomics and Carolina Liquid Chemistries' Responsive Claim Construction Brief, filed August 21, 2006	
	26.	[Proposed] Order Construing Claims, filed August 21, 2006	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--